Todd R. G. Hill
119 Vine Street
Belton, TX 76513
+1 [661] 899-8899
toddryangregoryhill@gmail.com
In Propria Persona

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

TODD R. G. HILL, et al,

Plaintiffs

vs.

THE BOARD OF DIRECTORS, OFFICERS AND AGENTS AND INDIVIDUALS OF THE PEOPLES COLLEGE OF LAW, et al.,

Defendants.

CIVIL ACTION NO. 2:23-cv-01298-JLS-BFM

The Hon. Josephine L. Staton
Courtroom 8A, 8th Floor

Magistrate Judge Brianna Fuller Mircheff
Courtroom 780, 7th Floor

PLAINTIFF'S OPPOSITION TO DEFENDANT SPIRO'S MOTION TO DISMISS THE FOURTH AMENDED COMPLAINT

NO ORAL ARGUMENT REQUESTED

TABLE OF CONTENTS

Cases

Statutes

Rules

PLAINTIFF'S SUPPLEMENTAL MOTION IN SUPPORT OF DOCKET 261: PLAINTIFF'S MOTION TO COMPEL COMPLIANCE WITH L.R. 7-3 AND TO ADDRESS BAD FAITH PROCEDURAL MISCONDUCT

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiff respectfully opposes Defendant Spiro's Motion to Dismiss the Fourth Amended Complaint (FAC) [Dkt. 263] and requests that the Court deny the motion in its entirety. The motion is procedurally defective, substantively flawed, and rests on a selective and misleading account of the record. Spiro's continued refusal to comply with Local Rule 7-3, and his attempt to litigate factual disputes under the guise of a Rule 12(b)(6) motion, only reinforce the necessity of allowing the claims to proceed.

MEMORANDUM OF POINTS AND AUTHORITIES

I. THE MOTION IS PROCEDURALLY DEFECTIVE AND SHOULD BE STRUCK OR DEFERRED

Spiro has once again failed to comply with Local Rule 7-3. His certification references an incomplete, bad faith email exchange, omitting that Plaintiff made repeated, written requests between April 4 and April 8, 2025, asking Spiro to identify the specific legal grounds, factual bases, and relief sought. Spiro declined to provide any such detail. Instead, he stated he would call at a time already objected to, made improper threats, and refused to meaningfully confer.

Spiro's conduct constitutes bad faith under both the spirit and letter of Local Rule 7-3. As interpreted in *Carmax Auto Superstores Cal. LLC v. Hernandez*, 94 F. Supp. 3d 1078, 1084 (C.D. Cal. 2015), the rule is designed to encourage meaningful dialogue to narrow issues and avoid unnecessary motion practice. Defendant's documented refusal to identify the legal grounds, factual

basis, or relief sought—despite multiple requests—made it impossible for Plaintiff to respond meaningfully or consider potential stipulations. This was not a procedural oversight; it was a calculated maneuver. The refusal confirms that Defendant never intended to narrow the issues, but instead sought to preserve ambiguity until filing, in order to manufacture an appearance of legal gravitas around what is, in substance, a procedurally defective and facially meritless motion. Such conduct frustrates the orderly administration of justice and demonstrates a pattern of strategic evasion inconsistent with Rule 11 and L.R. 7-3 obligations.

This is not mere procedural noncompliance; it is part of a documented pattern of evasion designed to deprive Plaintiff of the opportunity to prepare for substantive engagement. The Court should reject the motion for failure to comply with L.R. 7-3 or defer its resolution until Docket 261 (Plaintiff's Motion to Compel Compliance with L.R. 7-3 and to Address Bad Faith Procedural Misconduct) and its supplemental filing are fully considered.

II. BAD FAITH THREATS AND PROCEDURAL INTIMIDATION DISGUISED AS L.R. 7-3 COMPLIANCE

Spiro's omission of coercive conduct undermines Defendant's claim of Rule 7-3 compliance.

As shown in Exhibit B of Plaintiff's yet to be docketed "PLAINTIFF'S SUPPLEMENTAL MOTION IN SUPPORT OF DOCKET 261: PLAINTIFF'S MOTION TO COMPEL COMPLIANCE WITH L.R. 7-3 AND TO ADDRESS BAD FAITH PROCEDURAL MISCONDUCT", (See Tracking No. EDS-250409-001-9099), Mr. Spiro sent a series of emails on April 8, 2025, in which he explicitly threatened to pursue a malicious prosecution lawsuit against Plaintiff. These threats were made under the pretense of a Local Rule 7-3 meet and confer, despite prior warnings that such conduct was procedurally improper. Rather than engage in a good faith

exchange regarding the basis of his contemplated motion, Spiro used the pre-motion dialogue to issue coercive warnings—culminating in the statement, "It is important to remind you of the risk you're taking." These communications were not tethered to any legitimate legal argument. Instead, they appear designed to intimidate Plaintiff into abandoning his claims, thereby substituting procedural intimidation for legal merit.

Spiro did not disclose these communications in his motion. Their omission, and the effort to present his conduct as compliant with L.R. 7-3, only reinforces the conclusion that the motion was filed in bad faith and supported by no genuine intent to narrow issues or engage meaningfully. This pattern of evasion and escalation is consistent with prior behavior documented in Docket 261 and reflects a continued misuse of the procedural process to misrepresent position and apply pressure rather than to resolve legal disputes.

III. SPIRO'S MOTION OMITS THREATS YET ADMITS TO CORE CONDUCT ALLEGED IN THE COMPLAINT

Defendant Spiro's Motion to Dismiss asserts that Plaintiff's Fourth Amended Complaint (FAC) fails to plead facts with specificity and lacks factual support for its claims of procedural coercion, discriminatory treatment, and fraud. Yet Spiro's own exhibits—submitted in support of this very motion—confirm the conduct alleged, while his failure to disclose more egregious communications demonstrates selective omission and reinforces Plaintiff's allegations of bad faith.

As detailed in Exhibit B to Plaintiff's Supplemental Motion in Support of Docket 261 (Tracking No. EDS-250409-001-9099), Spiro sent a series of emails on April 8, 2025, threatening Plaintiff with a malicious prosecution lawsuit during what he has styled as part of a Local Rule 7-3 meet and confer compliant communication. These threats, including the statement "It is important to remind you of the risk you're taking," were made after Plaintiff had already warned Spiro that such threats were

procedurally improper and would be raised before the Court if repeated. Rather than engage in any good faith exchange regarding legal basis or potential stipulations, Spiro used the meet and confer process to issue coercive warnings untethered from any legitimate legal argument. This conduct squarely supports the allegations of procedural intimidation and bad faith that underlies Docket 261 and that Spiro's present motion to dismiss fails to address entirely.

Even more critically, Spiro's own exhibits (e.g., Exhibits 1 and 2 to Docket 263) contain internal communications confirming his discretionary role in transcript modification and his participation in correspondence where transcript adjustments were conditioned on retroactive status changes and tuition payments. These same communications were cited in Plaintiff's FAC and earlier filings as examples of the fraudulent inducement, concealment, and arbitrary enforcement patterns that affected Plaintiff's bar eligibility and academic standing.

Spiro's attempt to both (1) deny that such conduct is properly pled, and (2) simultaneously introduce those very same communications into the record—without disclosing the threats issued during the meet and confer process—exemplifies bad faith motion practice.

It is not the FAC that lacks particularity or support; it is the motion to dismiss that lacks candor. The Court should view this selective and self-serving submission of partial exhibits as further evidence that Spiro's motion was not filed to narrow or resolve claims, but to gain procedural advantage while evading scrutiny for documented misconduct.

IV. PLAINTIFF'S ECONOMIC INJURY QUALIFIES FOR RICO STANDING

Defendant Spiro argues that Plaintiff fails to allege an injury "qualifying as injury to business or property" under RICO, invoking *Canyon County v. Syngenta Seeds*, 519 F.3d 969 (9th Cir. 2008), and *Chaset v. Fleer/Skybox Int'l*, 300 F.3d 1083 (9th Cir. 2002). These cases are inapposite. Plaintiff

does not allege speculative future losses or intangible harms. The Fourth Amended Complaint (FAC) pleads concrete, pecuniary injuries that fall well within the scope of civil RICO standing under 18 U.S.C. § 1964(c).

Specifically, Plaintiff alleges:

a. That he paid tuition and associated fees to Peoples College of Law (PCL) under false pretenses regarding academic credit, transcript accuracy, and bar eligibility (FAC ¶¶ 46–58, 123, 131–135);

b. That Spiro and others conspired to suppress corrections to his transcript in a discriminatory manner, despite having corrected others' (¶¶ 148–149, 157–158);

c. That the falsified records and administrative obstruction derailed Plaintiff's licensing pathway, costing him months or years of earning potential in his chosen profession (¶¶ 84, 138–140, 166).

These allegations describe more than disappointment or lost opportunity; they establish a direct financial injury to Plaintiff's property interest in a completed legal education, professional licensure track, and economic use of his academic credentials. Such injuries are not "speculative" or "intangible." They are quantifiable harms tied to:

1. Money paid under fraudulent inducement;

2. Economic losses incurred from the obstruction of Plaintiff's advancement toward licensure;

3. Suppressed credentialing, which undermines Plaintiff's ability to monetize his education or compete professionally.

This distinguishes Plaintiff's case from *Chaset*, where the plaintiffs received what they paid for (trading cards), or *Gelt Funding*, where the claimed injury was merely an increased risk of

financial loss. Here, Plaintiff **suffered the loss of both educational investment and professional access** due to Spiro's documented participation in a racketeering pattern that included fraud, obstruction, and retaliation.

As the Supreme Court confirmed in *Bridge v. Phoenix Bond & Indemnity Co.*, 553 U.S. 639, 647–48 (2008), RICO standing does not require the "strictest formulation of directness," only that the plaintiff's injury was **proximately caused by the predicate acts**. That standard is met here. Plaintiff has alleged a consistent pattern of fraudulent recordkeeping, selective enforcement, and procedural retaliation that directly impaired his ability to convert his education into professional capital. These allegations are not speculative—they are supported by emails, institutional records, regulatory responses, and revoked accreditation.

Accordingly, Plaintiff's RICO claim is properly grounded in qualifying injury to business or property, and the motion should be denied on that basis.

V. PLAINTIFF'S RICO CLAIM IS LEGALLY AND FACTUALLY SUFFICIENT

Spiro claims that Plaintiff fails to allege harm to business or property and lacks specificity under Rule 9(b). Both assertions are wrong. The FAC alleges economic injury flowing from fraud in the inducement of tuition payments, obstruction of transcript accuracy, and manipulation of bar eligibility—all of which constitute concrete injuries to business or property under *Bridge v. Phoenix Bond & Indemnity Co.*, 553 U.S. 639 (2008).

The FAC further pleads the fraudulent scheme with sufficient particularity. For example, FAC ¶¶ 84, 123, 138, 148, and 149 include and allege:

a. Specific communications (dates, senders, content) where Spiro and others provided false representations or suppressed material facts.

b. Tuition paid under false pretenses.

c. Deprivation of educational value (a quantifiable contractual interest).

d. Admissions and internal inconsistencies in transcript-related correspondence;

e. A pattern of conduct that affected not just Plaintiff, but multiple students.

f. Spiro's personal role in transcript obstruction and financial misrepresentation (supported by emails and State Bar correspondence).

Rule 9(b) requires particularity, not perfection. Where facts are within the exclusive knowledge of defendants, allegations based on available documentation—particularly when reinforced by judicially noticeable materials—satisfy the standard.

Furthermore, Spiro ignores the doctrine that educational contracts and fraud in the inducement relating to tuition can qualify as property injury under RICO where there's a pattern (see *Bridge v. Phoenix Bond & Indemnity Co.*, 553 U.S. 639 (2008)) and the copious incorporation of specific dates, emails, and institutional actors, particularly in allegations tied to transcript falsification and State Bar concealment, contained within the FAC and culminating with the timeline presented in its Exhibit 10.

VI. THE UNRUH ACT CLAIM CANNOT BE RESOLVED THROUGH JUDICIAL NOTICE OR INFERENCES

Spiro attempts to convert judicial notice into a tool for dismissing the claim on the merits. That is improper. Plaintiff's Unruh Act claim is based on discriminatory treatment in transcript correction and academic progression. The FAC pleads facts showing that other similarly situated students received favorable treatment or institutional support while Plaintiff was subject to obstruction.

Spiro's motion attaches materials for the sole purpose of disputing Plaintiff's version of events. But at the 12(b)(6) stage, such factual disputes are not resolved. Judicial notice may establish that

documents exist—not that the Court must accept Spiro's interpretation of their meaning or credibility.

The Court possesses both the authority and discretion to take judicial notice of documents and communications that are central to assessing procedural compliance, especially where such compliance is mandated by the Local Rules. Under Federal Rule of Evidence 201, courts may take judicial notice of adjudicative facts that are "not subject to reasonable dispute" and are either "generally known" or "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned."

Moreover, courts have inherent authority to manage their own proceedings and enforce compliance with procedural rules, including Local Rule 7-3, to ensure judicial efficiency and the fair administration of justice. See *Landis v. North American Co.*, 299 U.S. 248, 254 (1936) (recognizing the court's inherent power to control the disposition of the causes on its docket).

In this case, Spiro seeks to obscure rather than clarify the record by selectively introducing documents to create a false appearance of factual resolution. But judicial notice does not permit a defendant to substitute interpretation for adjudication, nor does it allow the Court to dismiss well-pleaded claims under the guise of notice-based factfinding. **The question before the Court is not whether documents exist, but whether the facts alleged, taken as true, plausibly support a claim of discriminatory treatment. They do.** Plaintiff has alleged a coherent, supported theory of unequal treatment that is neither conclusory nor speculative. At this stage, it is not the Defendant's narrative that controls, but the sufficiency of Plaintiff's allegations. Spiro's attempt to bypass that standard should be rejected.

VII. THE STATUTORY IMMUNITY ARGUMENT MISAPPLIES SECTION 5047.5

Spiro invokes California Corporations Code § 5047.5(b) to argue that he is categorically immune from negligence claims because he was a volunteer board member. But the statute contains express exceptions for fraud, willful misconduct, and gross negligence, all of which are pled with supporting detail.

There is also a substantial factual question as to whether Spiro was, in fact, a member of the Board of Directors during the relevant period. Even assuming arguendo that he held such a position, the conduct alleged in the FAC, including transcript tampering, suppression of records, retaliation and discriminatory obstruction of academic certification, would fall well outside the scope of protected governance activity.

These are not "mere" negligent acts; they reflect institutional concealment and grossly irresponsible governance. Moreover, Spiro offers no competent evidence that PCL met all statutory prerequisites for immunity during the periods in question.

Importantly, Plaintiff served as a **Board Member and corporate officer** of Peoples College of Law during the relevant period and participated in governance activities subject to regulatory oversight. Based on that direct experience, Plaintiff can attest that many statutory obligations, including transparency, fiduciary duty, and compliance with licensing standards, were routinely ignored. This perspective further undermines Spiro's assertion that PCL met all statutory prerequisites for immunity, particularly those involving liability insurance and adherence to nonprofit governance protocols. Here, Plaintiff has claimed retaliation based on his efforts to bring PCL into compliance.

Notably, Spiro also acted at various times as legal counsel, and in at least one judicial proceeding, sought remuneration for his services. These facts cast serious doubt on whether he qualifies for the statutory immunity conferred by California Corporations Code § 5047.5(b), which applies only to uncompensated volunteer directors acting within the scope of their board responsibilities and not engaged in grossly negligent or fraudulent conduct. At a minimum, these issues are **not resolvable on a motion to dismiss** and must be assessed based on evidence at a later stage.

It bears emphasizing that the record already reflects that Peoples College of Law's accreditation was formally revoked by the State Bar of California, confirming a systemic breakdown in governance, compliance, and academic integrity during the period in which Spiro held positions of leadership and influence. That institutional finding is not merely consistent with Plaintiff's allegations, it validates them. The institutional determination directly supports the plausibility of Plaintiff's allegations and undermines Defendant's effort to recast systemic procedural obstruction as benign administrative oversight. By itself, the regulatory outcome underscores that Plaintiff's claims are grounded in demonstrable fact and cannot be dismissed as implausible or conclusory.

At a minimum, these issues are not resolvable on a motion to dismiss and must be addressed based on the evidentiary record. The procedural posture of this case does not permit dismissal based on self-serving characterizations of factual and legal status that remain in dispute.

VIII. PLAINTIFF'S NEGLIGENT SUPERVISION CLAIM IS NOT INCONSISTENT

Spiro argues that Plaintiff's negligent supervision claim fails because Plaintiff alleges intentional misconduct elsewhere. That is not the law.

That is not the law. Courts routinely permit plaintiffs to plead claims in the alternative, including negligence alongside intentional torts. See Fed. R. Civ. P. 8(d)(2); *Molsbergen v. United States*, 757 F.2d 1016, 1019 (9th Cir. 1985) ("A party may set forth two or more statements of a claim or defense alternately or hypothetically."). Moreover, California courts have long recognized that negligent supervision or retention claims may proceed even where the supervised party is alleged to have engaged in willful or intentional misconduct. See *Juarez v. Boy Scouts of America, Inc.*, 81 Cal. App. 4th 377, 395 (2000) (holding that liability for negligent supervision may attach "even when the employee's conduct is outside the scope of employment, so long as the employer knew or should have known of the danger."); *Doe v. Capital Cities*, 50 Cal. App. 4th 1038, 1054–55 (1996). In this case, Plaintiff alleges that board members—including Spiro—knew or should have known of systemic transcript fraud and discriminatory obstruction, yet failed to take action. Such inaction, in the face of known risk, is a classic basis for negligent supervision.

Even intentional misconduct can be the product of negligent supervision, particularly when board members fail to act in the face of known risk or misconduct.

IX. SPIRO'S MISREPRESENTATIONS INCLUDE, BUT ARE NOT LIMITED TO, PLAINTIFF'S DEGREE ELIGIBILITY

Defendant repeatedly refers to Peoples College of Law (PCL) as a "four-year program" in an effort to suggest that Plaintiff's academic claims are premature, incomplete, or speculative. This characterization is misleading and appears designed to divert the Court from the central and undisputed fact: Plaintiff met and exceeded the required unit threshold for the award of a Juris Doctor degree after three years of coursework—regardless of whether the State Bar deemed him eligible to sit for the bar exam.

As alleged in the Fourth Amended Complaint and supported by attached transcripts and correspondence, Plaintiff earned more than the number of academic units required for graduation under PCL's own policies (FAC ¶¶ 74–84, 131–134). At no time has Defendant Spiro refuted this core fact. Instead, he relies on vague references to a "four-year program" while refusing to acknowledge that Plaintiff's academic completion was a separate and distinct matter from his regulatory eligibility to pursue licensure.

This distinction is critical. The issue before the Court is not whether Plaintiff was immediately bar-eligible, but whether he was entitled to receive his degree based on completed coursework and institutional credit. Spiro—acting in his dual capacity as administrator and legal counsel—refused to confer Plaintiff's degree or correct the underlying transcript, despite having done so for similarly situated students. This discriminatory withholding of a conferred degree constitutes a deprivation of educational property and supports both Plaintiff's RICO and Unruh Act claims.

Furthermore, Spiro has never affirmatively stated that Plaintiff was ineligible to receive a Juris Doctor degree under the school's internal academic standards. Instead, he conflates bar eligibility with degree entitlement in an effort to deflect from his own obstruction. This misdirection is not a legal defense—it is a procedural sleight of hand that fails under scrutiny.

Plaintiff does not claim a lost opportunity or personal disappointment. He claims that he was entitled to a degree based on his academic performance, and that Spiro participated in a knowing and coordinated effort to withhold it—while manipulating institutional processes and policies to suppress objections and evade institutional responsibility.

X. SPIRO MISREPRESENTS PCL'S GRADUATION STRUCTURE TO OBSCURE PLAINTIFF'S DEGREE ELIGIBILITY

Defendant repeatedly refers to Peoples College of Law (PCL) as a "four-year program" in an effort to suggest that Plaintiff's academic claims are premature, incomplete, or speculative. This characterization is misleading and appears designed to divert the Court from the central and undisputed fact: Plaintiff met and exceeded the required unit threshold for the award of a Juris Doctor degree **after three years of coursework**, regardless of whether the State Bar deemed him eligible to sit for the bar exam.

As alleged in the Fourth Amended Complaint and supported by attached transcripts and correspondence, Plaintiff earned more than the number of academic units required for graduation under PCL's own policies (FAC ¶¶ 74–84, 131–134). At no time has Defendant Spiro refuted this core fact. Instead, he relies on vague references to a "four-year program" while refusing to acknowledge that Plaintiff's **academic completion** was a separate and distinct matter from his **regulatory eligibility** to pursue licensure.

This distinction is critical. The issue before the Court is not whether Plaintiff was immediately bar-eligible, but whether he was **entitled to receive his degree** based on completed coursework and institutional credit. Spiro—acting in his dual capacity as administrator and legal counsel—refused to confer Plaintiff's degree or correct the underlying transcript, despite having done so for similarly situated students. This discriminatory withholding of a conferred degree constitutes a **deprivation of educational property** and supports both Plaintiff's RICO and Unruh Act claims.

Furthermore, Spiro has **never affirmatively stated** that Plaintiff was ineligible to receive a Juris Doctor degree under the school's internal academic standards. Instead, he conflates bar eligibility with degree entitlement in an effort to deflect from his own obstruction. This misdirection is not a legal defense; it is a procedural sleight of hand that fails under scrutiny.

Plaintiff does not claim a lost opportunity or personal disappointment. He claims that he was entitled to a degree based on his academic performance, and that Spiro participated in a knowing and coordinated effort to withhold it—while manipulating institutional processes and policies to suppress objections and evade institutional responsibility.

XI. PLAINTIFF'S AMENDMENT HISTORY SUPPORTS, RATHER THAN UNDERMINES, LEAVE TO PROCEED

Spiro misrepresents Plaintiff's amendment record. The Fourth Amended Complaint (FAC) was not filed in defiance of the Court's prior orders and was submitted after the Court explicitly allowed Plaintiff to proceed with claims under RICO, the Unruh Civil Rights Act, negligence, and negligent supervision. In accordance with that guidance, Plaintiff removed all previously dismissed claims and streamlined the complaint to address only those theories preserved by the Court in its February 27, 2025 order [see Dkt. 248].

Each amendment reflects not repetition, but factual evolution based on newly obtained documents, many of which were secured through public records requests or produced by the State Bar well after earlier rounds of briefing. These include internal communications confirming discriminatory transcript handling, records preservation issues, unlawful payment demands or services denials, and Spiro's own admissions of non or selective compliance. The FAC also integrates public regulatory actions, such as the State Bar's revocation of PCL's accreditation, which directly reinforce Plaintiff's core claims.

Plaintiff has not engaged in frivolous or abusive amendment. Rather, each version of the complaint shows increased legal clarity, factual specificity, and conformity with procedural standards. The FAC is the product of Plaintiff's diligent efforts to align the pleading with the Court's

instruction, address prior concerns, and present the most coherent, substantiated version of the case. Courts consistently hold that amendment is proper where new facts emerge or institutional concealment has delayed discovery. See *Foman v. Davis*, 371 U.S. 178, 182 (1962); *Lopez v. Smith*, 203 F.3d 1122, 1130–31 (9th Cir. 2000) (en banc).

By contrast, Defendant Spiro has not meaningfully altered his litigation posture in light of the evolving record and now seeks to penalize Plaintiff for exercising diligence.

In *Carmax Auto Superstores Cal. LLC v. Hernandez*, 94 F. Supp. 3d 1078 (C.D. Cal. 2015), the court emphasized that compliance with Local Rule 7-3 is mandatory, requiring meaningful engagement prior to filing motions. Failure to comply can result in the court refusing to consider the motion altogether. Similarly, *Niedermeier v. Office of Max S. Baucus*, 153 F. Supp. 2d 23 (D.D.C. 2001), establishes that superficial or perfunctory attempts at compliance with meet-and-confer requirements do not satisfy the rule's purpose of fostering genuine efforts to narrow or resolve issues.

Courts have consistently held that perfunctory gestures do not satisfy the requirements of L.R. 7-3. Simply scheduling a phone call without providing the legal and factual basis for anticipated motions is insufficient. See Docket 197, partially judicially noticed at Docket 248, where the Court previously noted the dates and existence of records that strongly support the inference of similar non-compliant conduct by Defendants.

Here, Defendant Spiro has repeatedly refused to provide the specific legal grounds, factual basis, or relief sought for his anticipated motions, as required by L.R. 7-3. Instead, Spiro has attempted to manufacture the appearance of compliance by scheduling a phone call without the necessary

disclosures. This conduct directly undermines the purpose of the rule and frustrates the Court's interest in procedural efficiency.

Thus, the record supports moving forward on the merits, not dismissal based on an artificially framed amendment history.

XII. THE COURT'S INHERENT AUTHORITY

The Court has the inherent authority to enforce its procedural rules and ensure compliance where parties have engaged in bad faith or obstructive conduct. See *Landis v. North American Co.*, 299 U.S. 248, 254 (1936) ("The power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.").

Additionally, the Court may take judicial notice of documents central to evaluating compliance with procedural rules, particularly where authenticity is not in dispute. See *Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001). This includes email exchanges that establish whether the parties have adhered to L.R. 7-3's requirements. See also *In re Oracle Corp. Sec. Litig.*, 627 F.3d 376, 386 n.1 (9th Cir. 2010) (permitting judicial notice of documents not subject to reasonable dispute).

XIII. PATTERN OF BAD FAITH AND PROCEDURAL NON-COMPLIANCE

The record established in Docket 197 and partially judicially noticed at Docket 248, and now further supplemented by Docket 261 and the pendant supplemental filing (See EDS Tracking. No. EDS-250409-001-9099) reveals a persistent pattern of procedural evasion by the Defendants. Here, Spiro's current approach mirrors previous conduct designed to circumvent proper meet and confer processes. Courts have recognized that repeated non-compliance with procedural requirements

constitutes bad faith. See *Burch v. Regents of Univ. of California*, 433 F. Supp. 2d 1110, 1125 (E.D. Cal. 2006) (noting that courts are not required to accept sham compliance with procedural requirements).

Defendant Spiro's conduct actively undermines the judicial process by preventing meaningful engagement and obstructing attempts to narrow issues before motion practice. The use of L.R. 7-3 as a mere procedural formality, rather than a tool for genuine engagement, demonstrates a deliberate attempt to frustrate Plaintiff's ability to adequately prepare and respond.

XIV. CONCLUSION

Defendant Spiro's motion is procedurally improper, legally flawed, and selectively inaccurate. Plaintiff respectfully requests that the Court deny the motion or, in the alternative, defer ruling until Plaintiff's motion to compel compliance with L.R. 7-3 (Docket 261) and its supplement are fully addressed.

Plaintiff does not request oral argument and submits this matter on the papers pursuant to Local Rule 7-15. However, Plaintiff is prepared to appear and respond to any questions the Court may have should the Court determine that oral argument would be helpful.

If the Court is inclined to consider the motion on the merits, Plaintiff requests the opportunity to submit a reply declaration and record citations in support of specific factual allegations under Rule 12(d) or Rule 56(e), should the Court convert any portion of the motion based on submitted exhibits.

Dated: April 13, 2025

Respectfully submitted,

Todd R. G. Hill
Plaintiff, Pro Se

XV. STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1

The undersigned party certifies that this brief contains 5,008 words, which complies with the 7,000-word limit of L.R. 11-6.1.

Respectfully submitted,

April 13, 2025

Todd R.G. Hill

Plaintiff, in Propria Persona

XVI. PLAINTIFF'S PROOF OF SERVICE

This section confirms that all necessary documents will be properly served pursuant to L.R. 5-3.2.1 Service. This document will be/has been electronically filed. The electronic filing of a document causes a "Notice of Electronic Filing" ("NEF") to be automatically generated by the

CM/ECF System and sent by e-mail to: (1) all attorneys who have appeared in the case in this Court and (2) all pro se parties who have been granted leave to file documents electronically in the case pursuant to L.R. 5-4.1.1 or who have appeared in the case and are registered to receive service through the CM/ECF System pursuant to L.R. 5-3.2.2. Unless service is governed by Fed. R. Civ. P. 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal Rules of Civil Procedure, and the NEF itself will constitute proof of service for individuals so served.

Respectfully submitted,

April 13, 2025

Todd R.G. Hill

Plaintiff, in Propria Persona